



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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SEP 26 2016

In Reply Refer To:
1864 (AK941)

Memorandum

To: File AA-094010

From: Chief, Branch of Lands and Realty (AK941) *Reid M. M. M.*

Subject: The Corporation of the Catholic Archbishop of Anchorage, Inc. (Archdiocese of Anchorage) Application for Recordable Disclaimer of Interest; Summary Report

BACKGROUND:

The Corporation of the Catholic Archbishop of Anchorage (Archdiocese of Anchorage or Archdiocese) has filed an application with the Bureau of Land Management (BLM) for a Recordable Disclaimer of Interest from the United States in those lands the Archdiocese owns near the village of Tazlina, Alaska, at the confluence of the Tazlina River and Copper River. The Archdiocese asserts that the United States has no interest in the property.

The Archdiocese has filed for the Recordable Disclaimer of Interest pursuant to Section 315 of the Federal Land Policy and Management Act of 1976 and the regulations contained in subpart 1864 for the following lands:

Copper River Meridian, Alaska

T. 3 N., R. 1 W.,

Sec. 10, Lots 6 and 7, NW1/4SW1/4, S1/2SW1/4;

Sec. 15, Lots 2, 3, 4, 7 and 8, N1/2NW1/4, SE1/4NW1/4.

Containing 461.67 acres

On June 27, 1966, the Archdiocese received a warranty deed from the Corporation of the Catholic Bishop of Northern Alaska which received U.S. Patent No. 1158433 dated March 29, 1956, from the BLM under Private Law 151, 67 Stat. A53 (1953). Both the law and patent have language stating that the land is for use as a mission school. The law and the patent have no language requiring that the land be used only for a mission school and neither have provisions for the land to revert to the United States if the land is not used for a mission school or is used for other purposes.

After patent, a school was constructed and operated on the land until it was destroyed by fire and was never reconstructed. Recently, the Archdiocese cleaned up the site in response to a mandate from the Environmental Protection Agency. To help recoup some of the costs of cleanup, the Archdiocese desires to sell the land. However, the Archdiocese believes that the clause for use as a mission school casts a cloud on the title and believes that cloud serves as an impediment to any future use or sale of the land.

The Archdiocese stated that there are no known adverse claimants or occupants of the land. However, descendants of Frank Stickwan have asserted access rights across the Archdiocese's land and originally initiated a civil action in the Superior Court for the State of Alaska at Anchorage, Case No. 3AN-14-06335 Civil. The matter has been settled and resolved with the Archdiocese agreeing to provide the Stickwan's with a recorded access easement agreement and a quitclaim deed for their fish wheel site containing 1.43 acres. As a result, the civil action was dismissed with prejudice on April 30, 2015.

The Archdiocese has provided information that the Bureau of Indian Affairs (BIA) has included a road called "Fish Camp Road" in its National Tribal Transportation Facility Inventory as Tribal Transportation Property and included on the inventory as E01 4780703/010 and was apparently officially approved in 2010. In a letter dated July 3, 2014, the Archdiocese's attorney, Mr. James M. Gorski, Esq., advised the BIA that the Archbishop is the only person with the authority to grant an easement or convey ownership of the property. The Copper Valley School Association had no authority to authorize a public road on the property of the Archdiocese. The letter further stated that the Archdiocese is hereby exercising its rights as owner of the land and asking the BIA to remove the road from the inventory. In an e-mail dated June 12, 2015, to BLM, Mr. Gorski advised that a call was received from BIA or the Regional Solicitor's office but there has been no follow-up and no responses to his e-mails.

On July 31, 2015, the BLM contacted Stuart Hartford, the BIA, Alaska Region, Transportation Director, asking if the BIA had any concerns with the BLM approving the Archdiocese's application for a Disclaimer of Interest on the above mentioned lands. On August 6, 2015, Mr. Hartford sent an email asking the BLM for further clarification on the disclaimer, which the BLM provided. On August 10, 2015, the BLM received an email from Mr. Hartford stating that the BIA did not object to the BLM publishing the Federal Register Notice.

LAND STATUS/OTHER:

The general land status is described as follows: The lands are bounded on the east by the Copper River and on the southwest by the Tazlina River. On the east side of the Copper River is the Wrangell-St. Elias National Preserve. To the west of the lands is the village of Tazlina, Alaska, along with lands of the State of Alaska and Tazlina, Inc., an Alaska Native Claims Settlement Act Native corporation. One Native allotment containing 30.42 acres is located southerly of the south bank of the Tazlina River. Another Native allotment containing 55.33 acres is immediately to the north of and contiguous with the lands. It was originally conveyed to Frank Stickwan. It was the Stickwan family that the Archdiocese conveyed the fish wheel site to and also issued an access easement to reach the fish wheel site.

A review of BLM's land status records revealed no potential conflicts or bar to the proposed issuance of a disclaimer to the Archdiocese.

A review of U.S. Patent No. 1158433 revealed that the U.S. reserved certain rights of way under various authorities (some of which are no longer valid), and also reserved all coal and other mineral deposits in the land, together with the right to prospect for, mine, and remove the same, according to the provisions of the Act of August 8, 1953.

CONCLUSION AND RECOMMENDATION:

After reviewing the application, the regulations at 43 CFR 1864, the BLM's land status records, and the terms and conditions of the original patent, and Private Law 151, I conclude the Corporation of the Catholic Archbishop of Anchorage qualifies for a recordable disclaimer of interest. Approving the application for a disclaimer will remove a cloud on the title by providing certainty about the ownership of the land and that the U. S. has no involvement in, responsibility for, or administration of the land for use as a mission school.

In light of the above, I recommend a recordable disclaimer of interest be issued to the Corporation of the Catholic Archbishop of Anchorage. I also recommend that the mineral estate and valid rights of way as reserved in U.S. Patent No. 1158433 continue to be reserved in the recordable disclaimer of interest. I further recommend that the disclaimer be made subject to valid existing rights, if any.